

64405-6

11 / 30 / 2012

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
CHEMICAL SAFETY
AND POLLUTION PREVENTION

NOV 30 2012

Janet Kintz-Early
Nisus Corporation
100 Nisus Drive
Rockford, TN 37853

Subject: Label Notification(s) for Pesticide Registration 98-10

Dear Dr. Kintz-Early:

Subject: Notification to Make Label Changes
EPA Registration Number: 64405-6
Date of Submission: October 18, 2012

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated October 18, 2012 for the product RTU Flea Spray. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall within the scope of PRN 98-10. The Confidential Statement of Formula (CSF) and/or label submitted with the application has (have been stamped "Notification" and will be placed in our records.

If you have any questions, please contact Melody Banks on 703 305-5413.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Suarez for,".

Mark Suarez
Product Manager 13
Insecticide Branch
Registration Division (7504P)

 EPA United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other - Notification	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 64405-6	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) RTU Flea Spray	PM# 13	
5. Name and Address of Applicant (Include ZIP Code) Nisus Corporation 100 Nisus Drive Rockford TN 37853 <input type="checkbox"/> Check if this is a new address		6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(1), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

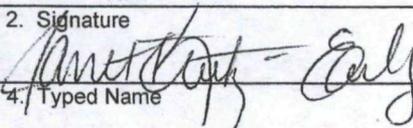
Notification per PR Notice 98-10 to add as a common name "regular" in front of (mildew) to the label as clarification to satisfy the State of California per PR Notice 98-10.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
*Certification must be submitted	If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
				<input type="checkbox"/> Other (Specify)	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 1 gallon through tankers		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input checked="" type="checkbox"/> On labeling accompanying product (for tanker)	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)					
Name Janet Kintz-Early	Title Ph.D. Entomologist/Regulatory Affairs	Telephone No. (Include Area Code) 865-577-6119 janete@nisuscorp.com			
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.			6. Date Application Received (Stamped)		
2. Signature 		3. Title Ph.D. Entomologist/Regulatory Affairs			
4. Typed Name Janet Kintz-Early		5. Date October 19, 2012			

Notification

October 18, 2012

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
One Potomac Yard
2777 S, Crystal Drive, Room S-4900
Arlington, VA 22202

Attn: Mark Suarez, PM 13

Subject: Notification per PR Notice 98-10, addition and removal of language on the stamped accepted label.

Dear Dr. Suarez:

I am submitting a notification for the product RTU Flea Spray (ABN Cymex) EPA Reg. No. 64405-6. We would like to add a common name to the label per California PRD.

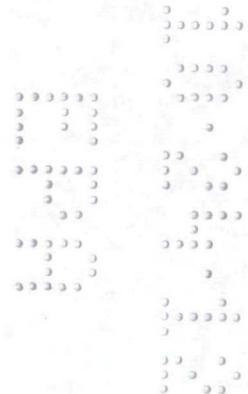
Enclosures

- EPA form 8570-1
- 1 copy of the revised label with changes highlighted

If you have any questions regarding this submission, please contact me at 865.577.6119 or janete@nisuscorp.com.

Sincerely,
for Nisus Corporation

Dr. Janet Kintz-Early
Senior Entomologist
Regulatory Affairs



RTU Flea Spray®

[[Select marketing claims from "Marketing Claims" section]]

Active Ingredient:

Disodium Octaborate Tetrahydrate (CAS No. 12008-41-2)	8.5%
Other Ingredients	91.5%
Total	100.0%

EPA Reg. No. 64405-6

EPA Est. 64405-TN-1

NOTIFICATION

U.S. Patent No. _____

NOV 30 2012

**Keep Out of Reach of Children
CAUTION**

Net Contents: ___ Gallon(s) (___ Liters)
{5 fl. oz., 1 quart, 1 gallon, 5 gallons, 50 gallons and 250 gallons}
Net Weight: ___ Pound(s) (___ Kilos)

{Back Panel}

Notice

Read and understand the entire label before using. Use only according to label directions.

Before buying or using this product, read **Warranty Disclaimer and Limitation of Remedies** statement found elsewhere on this label. If terms are unacceptable, return unopened package to seller for full refund of purchase price. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under **Warranty Disclaimer and Limitation of Remedies**.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Product Information

Do not use in edible product areas of food handling establishments, restaurants or other places where food is commercially prepared. Do not use in serving areas while food is exposed. Do not contaminate feed and foodstuffs. Do not enter or allow others to enter treated areas until spray has dried. Treated areas must not be occupied during application. In hospitals, patients must be removed prior to treatment of the area. Ventilate area for 2 hours before returning patients.

Do not apply **RTU Flea Spray** to wood floors, linoleum or ceramic tile surfaces due to the possible creation of a slippery surface or light residue. Do not walk on surfaces treated with **RTU Flea Spray** until completely dry. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

Odorless
Colorless

Flea Adulticide
Flea Ovicide

Application Instructions

Thoroughly vacuum all furniture, upholstery, carpeting, rugs and pet bedding before application. Seal and discard vacuum bag and collected debris. Remove people and pets during product application and allow treatment to completely dry before reintroducing people or pets into treated areas. Best results are obtained when combined with a simultaneous treatment of pets using a product approved for use on pets. Although **RTU Flea Spray** will kill adult fleas [within 48 to 72 hours], better knock-down of adult fleas may be obtained by simultaneous use of another approved insecticide.

Apply to carpets, area rugs, draperies, upholstery and floor cracks. Apply using a fine, uniform spray to carpets and area rugs at the rate of one [(1)] gallon of solution per 750 to 1,250 square feet of surface, depending upon density and thickness. **Treat to dampness but do not saturate.** Entire rug and carpeting areas may be treated.

Pay particular attention to application of pet bedding and resting areas. Apply in cracks and crevices along baseboards and [around floor coverings as well as] under furniture and furniture cushions. Cement and concrete floors may also be treated using a rate of one [(1)] gallon of solution per 1,250 square feet of surface area.

Note: Freshly treated concrete floors may be slippery.

Carpet Beetles, Dust Mites and Household Fungus (Regular Mildew): Thoroughly vacuum before treatment and seal and discard bag with collected debris. Apply as a fine, uniform spray to affected areas of carpets, rugs or upholstery at the rate of one [(1)] gallon of solution per 750 to 1,250 square feet of area, depending upon density and thickness. **Treat to dampness but do not saturate.** Entire areas of rugs and carpeting may be treated.

To Kill Bed Bugs: Apply at a rate of 3 – 5 oz per square foot of treatment area. Apply as a contact treatment onto active bedbug infestations in cracks and crevices on and around baseboards, floorboards, bed frames, headboards, furniture, window frames, door frames, walls, wall hangings and millwork. Apply as a topical spray application to mattresses, box springs, carpets, walls, furniture, rugs and other floor coverings. Treat folds, seams and tufts in mattresses, sofas and other furniture where bedbugs harbor.

Do not apply as a surface spray to wood floors, linoleum or ceramic tiles due to the possible creation of a slippery surface or light residue. Do not walk on, lay or sit on treated surfaces until dry. Always test fabrics for color fastness before application by treating in an inconspicuous area first.

Cleanup: Use soap and water to clean up tools.

{For product packaged in non-refillable household/residential use market containers:}

<p>Storage and Disposal</p> <p>Do not contaminate water, food or feed by storage and disposal.</p> <p>Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. Protect from freezing. Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. Container Management: If empty: Non-refillable container; do not reuse or refill this container; place in trash or offer for recycling, if available. If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.</p> <p>Batch Code [Lot Number]: _____</p>

{For product packaged in non-refillable non-household/residential use market containers 5 gallons or less:}

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. Protect from freezing. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container Management:** Non-refillable container; do not reuse or refill this container. Offer for recycling, if available, or reconditioning, if appropriate; otherwise, call your local solid waste agency for disposal instructions. Promptly triple rinse (or equivalent) container after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Batch Code [Lot Number]: _____

{For product packaged in non-refillable non-household/residential use market containers greater than 5 gallons:}

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. Protect from freezing. **Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container Management:** Non-refillable container; do not reuse or refill this container. Offer for recycling, if available, or reconditioning, if appropriate; otherwise, call your local solid waste agency for disposal instructions. Promptly triple rinse (or equivalent) container after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth for several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Batch Code [Lot Number]: _____

{For product packaged in non-household/residential use refillable market containers:}

Storage and Disposal

Pesticide Storage: Store in a dry place. Do not store where children or animals may gain access. Protect from freezing. **Container Management:** Refillable container. Refill this container only with RTU Wood Preservative/Pesticide™. Do not reuse this container for any other purpose. Cleaning this container before refilling is the responsibility of the refiller. Cleaning the container before final disposal is the responsibility of the person disposing of the container. To clean the container, empty the contents of this container according to use directions. Fill the container about 10% full with water, then agitate vigorously. Pump rinsate into rinsate collection system. Repeat this procedure two more times. **Container Disposal: If empty:** If not intending to refill this container, place cleaned container in trash or offer for recycling, if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

{The Batch Code or Lot Number will appear either on the container or labeling per PR Notice 2007-4}

Warranty Limitations and Disclaimer

Manufacturer warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. To the extent not prohibited by applicable law, **MANUFACTURER MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.**

Inherent Risks of Use

The directions for use of this product are believed to be adequate and must be carefully followed. It is impossible to eliminate all risks associated with use of this product. Lack of performance or other unintended consequences may result because of such factors as use of the product contrary to label instructions, abnormal conditions, the presence of other materials, climatic conditions or the manner of use/application, all of which are beyond the control of the Manufacturer. The buyer/user assumes all such risks.

Limitation of Remedies

To the extent not prohibited by applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability or other legal theories) shall be limited to, at Manufacturer's election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought, or
2. Replacement of amount of product used.

To the extent not prohibited by applicable law: a) Manufacturer shall not be liable for losses or damages resulting from handling or use of this product unless Manufacturer is promptly notified of such loss or damage in writing; and b) **IN NO CASE SHALL MANUFACTURER BE LIABLE FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES OR LOSSES, INCLUDING WITHOUT LIMIT, HEALTH RELATED DAMAGES OR INJURIES.**

The terms of this **Warranty Disclaimer** and **Limitation of Remedies** cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Manufacturer or the seller is authorized to vary or exceed the terms of this **Warranty Disclaimer** or **Limitation of Remedies** in any manner.

It is not intended that this product be used to practice any applicable patent, whether mentioned or not, without procurement of a license, if necessary, from the owner, following investigation by the user.



100 Nisus Drive
Rockford, TN 37853
(800) 264-0870

RTU Flea Spray® is a Registered Trademark of Nisus Corporation
Made in the U.S.A.

© _____

{Optional Marketing Claims}

Interior Boracide Spray

Kills and Prevents Fleas

Also Controls and Prevents Carpet Beetles, Dust Mites and Household Fungus (Regular Mildew)

**For Use In Apartments, Boats, Factories, Food Processing Plants,
Garages, Homes, Hospitals, Hotels, Kennels, Motels, Offices, Restaurants, Schools, Supermarkets, Trains,
Trucks, Veterinary Areas, Warehouses and Zoos**

- Liquid Insecticide
- Liquid Spray Insecticide
- Fast-acting Liquid Spray
- Kills Bed Bugs on Contact
- Bed Bug Contact Kill
- Fast-acting Contact Kill
- Kills Bed Bugs
- Patent Pending

